

AMENDED IN ASSEMBLY JULY 2, 2002  
AMENDED IN ASSEMBLY JUNE 10, 2002  
AMENDED IN SENATE JANUARY 23, 2002  
AMENDED IN SENATE JANUARY 7, 2002  
AMENDED IN SENATE APRIL 16, 2001  
AMENDED IN SENATE MARCH 28, 2001

**SENATE BILL**

**No. 247**

**Introduced by Senator Speier**

February 15, 2001

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An act to amend Section 103525 of, and to add Sections 103525.5, 103526, 103526.5, 103527, and 103528 to, the Health and Safety Code, relating to vital statistics.

LEGISLATIVE COUNSEL'S DIGEST

SB 247, as amended, Speier. Birth and death certificates: certified copies: access.

Existing law prescribes the information to be included on a certificate of death, and on a certificate of live birth, including specified medical and social information that is required to be kept confidential as to a birth record. Existing law requires a State Registrar, local registrar, or county recorder, upon request and payment of the required fee, to supply to any applicant a certified copy of the record of birth or death, except information in a birth record that is designated confidential.

This bill would provide that the State Registrar, local registrar, or county recorder may provide a certified copy of a birth or death record to an authorized person, as defined, who submits a statement sworn

under penalty of perjury that the requester is an authorized person. Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program. If a requester does not meet the requirements of an authorized person, this bill would require the State Registrar, local registrar, or county recorder to issue the certified copy of a birth or death record with a legend stating “INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY.” This bill would provide that these provisions would become operative on ~~January 1, 2006~~ *July 1, 2003*.

This bill would, commencing July 1, 2003, require that each certified copy of a birth or death record contain specified information and be printed on sensitized security paper with specified features. This bill would also require the State Registrar, local registrars, county recorders, and county clerks to take precautions to ensure that the security paper is maintained under secure conditions.

This bill would require an applicant for a certified copy of a birth or death record to pay an additional fee of \$2 to be used for specified purposes, including developing safety and security measures to protect against the fraudulent use of birth and death records. This bill would provide that the fee would be reduced to \$0.35 on January 1, 2006.

This bill would require the State Registrar to appoint a vital records protection advisory committee to, among other things, study and make recommendations to protect individual privacy, inhibit identity theft, and prevent fraud involving birth and death certificates while still preserving access to those seeking it for legitimate purposes. The bill would require the State Registrar to appoint specified individuals to the committee for a term of 3 years, except as provided, on a staggered basis.

This bill would authorize the department to create an automated system to accomplish these provisions.

By imposing new duties on local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.



This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 103525 of the Health and Safety Code  
2 is amended to read:

3 103525. (a) The State Registrar, local registrar, or county  
4 recorder shall, upon request and payment of the required fee,  
5 supply to any applicant a certified copy of the record of any birth,  
6 fetal death, death, marriage, or marriage dissolution registered  
7 with the official.

8 When the original forms of certificates of live birth furnished by  
9 the State Registrar contain a printed section at the bottom  
10 containing medical and social data or labeled "Confidential  
11 Information for Public Health Use Only," that section shall not be  
12 reproduced in a certified copy of the record except as specifically  
13 authorized in Section 102430.

14 (b) Notwithstanding subdivision (a) or any other provision of  
15 law, ~~commencing January 1, 2006~~, the State Registrar, local  
16 registrar, or county recorder shall provide certified copies of birth  
17 and death records only as authorized under Section 103526 *or*  
18 *103526.5*.

19 SEC. 2. Section 103525.5 is added to the Health and Safety  
20 Code, to read:

21 103525.5. (a) Until January 1, 2006, in addition to the fees  
22 prescribed by Sections 103625 and 103626, an applicant for a  
23 certified copy of a birth or death record shall pay an additional fee  
24 of two dollars (\$2). Commencing January 1, 2006, this fee shall be  
25 reduced to thirty-five cents (\$0.35).

26 (b) Until January 1, 2006, each local registrar or county  
27 recorder collecting the fee pursuant to this section shall transmit  
28 one dollar and sixty-five cents (\$1.65) of the fee to the State  
29 Registrar by the 10th day of the month following the month in

1 which the fee was received. These funds, and fees collected by the  
2 State Registrar pursuant to this section, shall be used by the State  
3 Registrar, upon appropriation by the Legislature, to develop safety  
4 and security measures to protect against fraudulent use of birth and  
5 death records, including, but not limited to, computerizing  
6 records, redacting and removing signatures as required by law, and  
7 electronically distributing redacted records to local registrars and  
8 county recorders for their use in complying with Sections 103526  
9 and 103526.5.

10 (c) Thirty-five cents (\$0.35) of the fee specified in subdivision  
11 (a) shall be retained by the public official charged with the  
12 collection of the fee to defray the costs of the additional security  
13 features required by Sections 103526 and 103526.5.

14 (d) The entire amount of the fee collected pursuant to  
15 subdivision (c) by the State Registrar shall be retained and used by  
16 the State Registrar, upon appropriation by the Legislature, for the  
17 purpose specified in subdivision (c). The entire amount of the fee  
18 collected by the local registrar or county recorder pursuant to  
19 subdivision (c) shall be retained and used by that official for the  
20 purpose specified in subdivision (c).

21 SEC. 3. Section 103526 is added to the Health and Safety  
22 Code, to read:

23 103526. (a) If the State Registrar, local registrar, or county  
24 recorder receives a written request for a certified copy of a birth  
25 or death record pursuant to Section 103525 that is accompanied by  
26 a notarized statement sworn under penalty of perjury that the  
27 requester is an authorized person, as defined in this section, that  
28 official may furnish a certified copy to the applicant in accordance  
29 with Section 103525. If a request for a certified copy of a birth or  
30 death record is made in person, the official shall take a statement  
31 sworn under penalty of perjury that the requester is an authorized  
32 person, and that official may then furnish a certified copy to the  
33 applicant.

34 (b) In all other circumstances, the certified copy provided to the  
35 applicant shall be an informational certified copy and shall be  
36 ~~redacted to remove any signatures that appear on the document.~~  
37 ~~The certified copy shall display a legend in perforated type that~~  
38 ~~states "INFORMATIONAL, NOT A VALID DOCUMENT TO~~  
39 ~~ESTABLISH IDENTITY."~~ The legend shall be placed on the

1 certificate, as specified in Section 103526.5, in a manner that will  
2 not conceal information.

3 (c) For purposes of this section, an “authorized person” is any  
4 of the following:

5 (1) The registrant or a parent or legal guardian of the registrant.

6 (2) A party entitled to receive the record as a result of a court  
7 order, or an attorney or a licensed adoption agency seeking the  
8 birth record in order to comply with the requirements of Section  
9 3140 or 7603 of the Family Code.

10 (3) A member of a law enforcement agency or a representative  
11 of another governmental agency, as provided by law, who is  
12 conducting official business.

13 (4) A child, grandparent, grandchild, sibling, spouse, or  
14 domestic partner of the registrant.

15 (5) An attorney representing the registrant or the registrant’s  
16 estate, or any person or agency empowered by statute or appointed  
17 by a court to act on behalf of the registrant or the registrant’s estate.

18 (6) A funeral director who has contracted with any of the  
19 individuals specified in paragraphs (1) to (5), inclusive, to provide  
20 funerary services and obtain certified copies of death certificates  
21 on the individual’s behalf.

22 (d) Informational certified copies of birth and death certificates  
23 issued pursuant to subdivision (b) shall only be printed from the  
24 single statewide data base prepared by the State Registrar. ~~Birth~~  
25 ~~and death records contained in the statewide data base~~ and shall be  
26 electronically redacted to remove any signatures for purposes of  
27 compliance with this section. Local registrars and county  
28 recorders shall not issue informational certified copies of birth and  
29 death certificates from any source other than the statewide data  
30 base prepared by the State Registrar. *This subdivision shall become*  
31 *operative on January 1, 2006.*

32 (e) This section shall become operative on ~~January 1, 2006~~ *July*  
33 *1, 2003.*

34 SEC. 4. Section 103526.5 is added to the Health and Safety  
35 Code, to read:

36 103526.5. (a) Each certified copy of a birth or death record  
37 issued pursuant to Section 103525 shall include the date issued, the  
38 name of the issuing officer, the signature of the issuing officer,  
39 whether that is the State Registrar, local registrar, county recorder,

1 or county clerk, or an authorized facsimile thereof, and the seal of  
2 the issuing office.

3 (b) (1) All certified copies of birth and death records issued  
4 pursuant to Section 103525 shall be printed on chemically  
5 sensitized security paper that measures 8<sup>1</sup>/<sub>2</sub> by 11 inches and that  
6 has the following features:

7 (A) Intaglio print.

8 (B) Latent image.

9 (C) Fluorescent, consecutive numbering with matching bar  
10 code.

11 (D) Microprint line.

12 (E) Prismatic printing.

13 (F) Watermark.

14 (G) Void pantograph.

15 (H) Fluorescent security threads.

16 (I) Fluorescent fibers.

17 (J) Any other security features deemed necessary by the State  
18 Registrar.

19 (2) In addition to the security features required by paragraph  
20 (1), commencing January 1, 2006, the security paper used for  
21 informational certified copies of birth and death records pursuant  
22 to subdivision (b) of Section 103526 shall also contain a statement  
23 in perforated type that states "INFORMATIONAL, NOT A  
24 VALID DOCUMENT TO ESTABLISH IDENTITY."

25 (c) The State Registrar, local registrars, county recorders, and  
26 county clerks shall take precautions to ensure that uniform and  
27 consistent standards are used statewide to safeguard the security  
28 paper described in subdivision (b), including, but not limited to,  
29 the following measures:

30 (1) Security paper shall be maintained under secure conditions  
31 so as not to be accessible to the public.

32 (2) A log shall be kept of all visitors allowed in the area where  
33 security paper is stored.

34 (3) All spoilage shall be accounted for and subsequently  
35 destroyed by shredding on the premises.

36 (d) This section shall become operative on July 1, 2003.

37 SEC. 5. Section 103527 is added to the Health and Safety  
38 Code, to read:

39 103527. (a) The State Registrar shall appoint a Vital Records  
40 Protection Advisory Committee to study and make

1 recommendations to protect individual privacy, inhibit identity  
2 theft, and prevent fraud involving birth and death certificates  
3 while providing needed access to birth and death record  
4 information to those seeking it for legitimate purposes. The  
5 committee shall have the following duties:

6 (1) Review and make recommendations as to the adequacy of  
7 procedures to safeguard individual privacy and prevent fraud,  
8 while ensuring appropriate access to birth and death records.

9 (2) Make recommendations to the State Registrar as to items  
10 that should be redacted from informational certified copies of birth  
11 and death certificates issued pursuant to Section 103526.

12 (3) Make recommendations to the State Registrar regarding  
13 fraud prevention measures concerning vital records.

14 (b) The committee shall include representatives from private  
15 and governmental entities that use vital records as identity or legal  
16 documents, consumers, law enforcement officials, genealogists,  
17 and organizations that research vital records for legal or social  
18 purposes. The State Registrar shall make every effort to ensure that  
19 committee membership also represents the community at large.

20 (c) (1) Except as provided in paragraph (2), membership on  
21 the committee shall be for a term of three years.

22 (2) Appointments shall be made on a staggered basis to allow  
23 for a change of one-third of the membership on an annual basis.  
24 One-third of the initial committee membership shall be appointed  
25 to one-year terms, and one-third of the initial committee  
26 membership shall be appointed to two-year terms.

27 SEC. 6. Section 103528 is added to the Health and Safety  
28 Code, to read:

29 103528. The department may create an automated system for  
30 the purposes of implementing Sections 103525, 103525.5,  
31 103526, and 103526.5.

32 SEC. 7. No reimbursement is required by this act pursuant to  
33 Section 6 of Article XIII B of the California Constitution for  
34 certain costs that may be incurred by a local agency or school  
35 district because in that regard this act creates a new crime or  
36 infraction, eliminates a crime or infraction, or changes the penalty  
37 for a crime or infraction, within the meaning of Section 17556 of  
38 the Government Code, or changes the definition of a crime within  
39 the meaning of Section 6 of Article XIII B of the California  
40 Constitution.

1     However, notwithstanding Section 17610 of the Government  
2     Code, if the Commission on State Mandates determines that this  
3     act contains other costs mandated by the state, reimbursement to  
4     local agencies and school districts for those costs shall be made  
5     pursuant to Part 7 (commencing with Section 17500) of Division  
6     4 of Title 2 of the Government Code. If the statewide cost of the  
7     claim for reimbursement does not exceed one million dollars  
8     (\$1,000,000), reimbursement shall be made from the State  
9     Mandates Claims Fund.

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